

Communication from Public

Name: Community Forest Advisory Committee
Date Submitted: 12/09/2024 02:42 PM
Council File No: 24-1399
Comments for Public Posting: The Community Forest Advisory Committee voted the attached letter on December 5, 2024, at their regular meeting, to advise amending the Landscape and Site Design Ordinance and Point System to address implementation issues that if not addressed will undermine its intended effectiveness.

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December 9, 2024

RE: Landscape and Site Design Ordinance / CF 24-1399

Dear Honorable Councilmembers,

The Community Forest Advisory Committee (CFAC) has been involved with the evolution of the Landscape and Site Design Ordinance with a more detailed focus on the Point System to ensure there is greater emphasis on preserving trees where possible, planting native trees, and having sufficient space to plant decent size shade trees *in the ground*. We are grateful that the Urban Design Studio has taken our comments into consideration, however there are a few remaining important concerns we hope you will consider before making a final decision on this ordinance.

- 1. Enforcement** – The concern of enforcement was raised at the City Planning Commission (CPC) meeting of 10/24/24. A lengthy discussion ensued however there was no resolve. The CPC wanted to be sure that the City Councilmembers are aware this is an unresolved issue in the hopes that further action will be taken to strengthen enforcement. Currently the ordinance will require a Certificate of Completion for landscaping be submitted before a building permit can be issued. This is the current practice and its effectiveness is unclear. First it is unclear where the forms go and who confirms if the required landscaping has actually been planted. A Covenant and Agreement will also be required to maintain the landscaping on site, this is a new requirement however it is unclear who will enforce this. Department of City Planning (DCP) stated that Building and Safety (LADBS) will enforce the Landscape and Site Design Ordinance, however LADBS staff stated at the CPC meeting that they are not in charge of multi-family buildings and that it would be referred to the Los Angeles Housing Department (LAHD). LADBS staff also stated they haven't discussed with management what the fines would be for non-compliance. As it stands, there is an assigned LADBS inspector for each new development, it makes sense that they would be the ones to ensure the approved landscape and site design plan is adhered to before issuing a Certificate of Occupancy and even afterwards if it turns out the developer cut some corners, as often is the case. **We strongly urge that the responsibility of enforcement for this ordinance is not bifurcated and that it remains within one department, that LADBS or that DCP be the main contact to work with LADBS if there are non-compliance**

issues. Additionally, we would like to see that fines for non-compliance are included in the ordinance.

2. **Transparency** - Per Section H, Verification of Points and Certificate of Substantial Completion, the Director of Planning or designee will review each project (by-right or discretionary) to ensure compliance with the Point System. The two-tier system includes a Preliminary Approval and a Final Compliance Verification. The Final Compliance Verification requires 3 documents as follows; a Certificate of Completion by the architect of record and landscape practitioner, a Covenant and Agreement as mentioned above, which includes a Landscape Maintenance Plan. Supporting documents include a Tree Disclosure Form, a Tree Report (if applicable), the actual Point System final checklist, and an approved Landscape Plan. It is unclear and unwritten as to how these documents will be maintained, by whom, where, and if they will be readily accessible documents to the public. Currently, the existing similar Certificate of Completion and Tree Disclosure Form is not a readily accessible public document. All required and supporting documents should be readily accessible electronically, through an on-line system. **We strongly urge that all related said documents are uploaded into the Planning Case Tracking System so that members of the public, including neighbors, Neighborhood Councils, and CFAC members, can also be aware of what trees are supposed to be preserved, what trees/shrubs are to be planted, number, size and where.** Without such readily available documentation for the public, there will be no minding the store so to speak, and thus no way for anyone from the public to know whether the project is in compliance or not.

3. **Performance** – The point system does not *require* applicants to preserve trees or even replace the on-site trees that need to be removed, it just “encourages or discourages.” The point system has been designed and tested to be easily achievable for the applicant; however it has not been tested as to whether the ordinance will actually provide more landscaping or trees than the worst looking projects we are seeing today. It should be noted that some of the biggest obstacles to landscaping and getting trees planted are the DWP Transformers, LAFD control pipes and LID planters, all of which remain unaddressed with this ordinance. Mock tests show that an applicant could avoid having to plant a tree on site (and still achieve the required points) by using other options, such as shade structures. Because there is such flexibility in design choices, there is also less certainty for landscaping. Additionally, there is relief offered under Administrative Review by the Director of Planning where in lieu fees and/or fewer trees can be planted than otherwise would be required per code due to physical hardship. **We strongly urge that along with maintaining the documents as noted above, and with the CPC having the authority to make changes to the Point System, that a comprehensive performance review be required within a 6 month or 1 year period that clearly accounts for what has been lost in the way of trees, shrubs, and landscaping overall, and also what has been replaced on a project by project basis.** Although our interest is specific to trees and landscaping, to fully understand the results of the ordinance, all categories (mandates and electives) under the Point System should be looked at. This could be easily done by maintaining the final approved checklist and any subsequent changes that may occur after.

4. **Discretionary Projects** - DCP has had a long standing policy of requiring a 1:1, 24-inch box tree replacement for the unavoidable loss of significant non-protected trees on a development site. Such policy was included by standard mitigation measures and/or conditions of approval. Nowhere in the environmental negative declaration of this ordinance is there mentioned of this mitigation for the loss of significant trees and there should be. As more and more projects become “ministerial” there is no environmental review per CEQA, and thus no requirement to replace the significant trees that are to be removed. As such, we will be losing more trees in Los Angeles than ever before. **We strongly urge that a 1:1 replacement be included in this ordinance for the loss of significant trees.** CFAC is supportive of a minimum 15 gallon replacement instead of 24-inch box, as we want to encourage the planting of native trees, many of which are not available in the 24-inch box size. Additionally, we want to be certain that with discretionary projects, that the landscape plans that get approved, can be well above the minimum requirement from the checklist of the landscape point system.. Oftentimes, community members, community groups, and neighborhood councils work with applicants to get better landscaping and tree preservation. **We want to be sure that this ordinance does not replace what hard work and compromises may be made between the applicant and the community.**

CFAC members want this Landscape and Site Design Ordinance to be successful for the benefit of all Angelenos, including our wildlife, by balancing development while maintaining a healthy natural environment. We are hopeful that developers will make the right choices to advance this important balance. However, this ordinance must have teeth, visibility, and accountability to be fully effective from the start. We hope you will agree.

Letter voted by the Los Angeles Community Forest Advisory Committee (CFAC) at December 5, 2024 regular meeting.

A handwritten signature in black ink that reads "Joanne D'Antonio". The signature is written in a cursive style with a large, stylized initial "J".

Joanne D'Antonio, CFAC Chair